

REMARKS

Applicants request reconsideration of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-3 and 5-50 remain pending. On the Office Action Summary sheet, claims 16, 17, 19 and ~~23-46~~ were indicated as withdrawn (and claims 1-3, 5-15, 18, 20-22 and 47-50 were identified as rejected). In the Detailed Action, however, claims 16, 17, 19 and ~~24-44~~ were indicated as withdrawn, and claims 45-50 were indicated as being rejoined (and claims 1-3, 5-15, 18, 20, 22, 23 and 47-50 were listed among the rejections). Since claim 23 was rejected (and objected to) in the Detailed Action, Applicants understand that this claim has not been withdrawn. However, along with claim 21, claims 45 and 46 were not discussed in the Detailed Action. Therefore, it is not understood if these claims were withdrawn or rejected and, if the latter, on what basis.

It was noted in the Office Action that the Oath/Declaration was missing the acknowledgement of the duty to disclose material information the became available between the filing dates of co-pending application number 09/031,108 and this continuation in part application. A new Declaration is being prepared for execution and will be submitted in the near future.

Claim 23 is objected to under 37 CFR 1.75(c) as allegedly being of improper dependent form. Applicants believe that the foregoing amendment to claim 23 addresses this objection, and request withdrawal thereof.

Claim 50 was rejected under 35 U.S.C. 112, second paragraph, as allegedly having insufficient antecedent basis. Applicants believe that the foregoing amendment to claim 50 corrects the antecedent basis, and request withdrawal of this rejection.

Claims 1-3, 5-15, 18, 20, 23 and 47-50 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bruyneel et al. Claims 22 and 23 (Applicants believe the intended claims are 21 and 22) stand rejected under §103(a) as allegedly being unpatentable over Bruyneel et al., further in view of Schuerch. These rejections are respectfully traversed.

As correctly noted in the Office Action, Bruyneel et al. describes a rope having wires in a range from 0.15mm to 1.2 mm. The two examples in Bruyneel et al. have "filaments" in the range of 0.57 to 0.85 mm (example 1) and 0.20 to 0.29 mm (example 2). There is no disclosure or suggestion within Bruyneel et al. of a tension member formed from cords having all wires with a diameter less than 0.25 mm, as claimed in claim 1.

The importance of this distinguishing feature to the subject invention is noted in the paragraph beginning at page 6, line 6, of the subject specification:

It is important to the success of the invention to employ wire 29 of a very small size. Each wire 29 and 31 are less than .25 millimeters in diameter and preferably is in the range of about .10 millimeters to .20 millimeters in diameter. ... The small sizes of the wires preferably employed contribute to the benefit of the use of a *sheave of smaller diameter*. The smaller diameter wire can *withstand the bending radius* of a smaller diameter sheave (around 100 millimeters in diameter) *without placing too much stress* on the strands of the flat rope.

[Emphasis added.]

Not only is this feature important to the claimed invention, but there is no recognition in Bruyneel et al. of the desirability to withstand a smaller bending radius (permitting use of a smaller diameter sheave), much less the importance of keeping all wire diameters small to achieving that goal. Without such a motivating factor, there would have been no reason to use (especially in an elevator tension member) all smaller wires which, as Bruyneel et al. recognizes (col. 5, lines 30-33), generally have lower tensile strength. Thus, it would not have been obvious from the disclosure of Bruyneel et al. to so restrict the wire size.

Therefore, Bruyneel et al. does not disclose or suggest each feature of the invention claimed in claim 1.

Schuerch, which is cited for its disclosure regarding a thermoplastic coating layer, does not overcome the above-noted deficiencies in the teachings of Bruyneel et al.

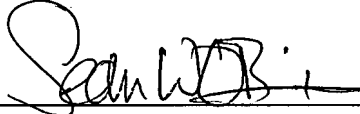
Applicants respectfully request reconsideration of this rejection of claim 1, as well as claims 2-3, 5-15, 18, 20-23 and 47-50, which depend from claim 1.

Applicants respectfully request reconsideration and allowance of the subject application.

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Respectfully submitted,

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